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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|----------------------------|------------------|
| 09/867,692 | 05/31/2001 | Robert M. Cooper | 06975-165001 / AOLTV 14 | 6191 |
| 26171 | 7590 | 12/14/2006 | EXAMINER VU, NGOC K | |
| FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022 | | | ART UNIT 2623 | PAPER NUMBER |

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/867,692

Applicant(s)

COOPER, ROBERT M.

Examiner

Ngoc K. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-87 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-87 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/25/06 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-87 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 9-13, 15, 17, 19-26, 30-34, 37, 39-41, 47, 48, 52-53, 56-59, 66, 68-71, 74-84, 86 and 87 are rejected under 35 U.S.C. 102(b) as being anticipated by Rowe et al. (U.S. 5,812,123).

Regarding claim 1, Rowe discloses a method for enabling user selection and perception of a television (TV) ride, the TV ride including an automated sequence of TV programming, comprising: presenting a list of several different TV rides (categories), each of different TV rides including a TV ride lineup (subcategory) specifying a sequence of TV programming (a list of TV programming) for automatically tuning a video display device to multiple different channels in sequence during a window of time (for instance, automatically providing multiple different

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programs corresponding to multiple different channels arranged in sequential fashion during a window of time, i.e., current time, in a schedule display 50 as shown in figures 2-4 and 6-8 - see col. 7, line 17 to col. 8, line 5; col. 13, lines 25-35; figures 2-4 and 6-8); receiving from a user to whom the list is presented a TV ride selection from among the list of TV rides presented (for instance, user selects subcategory "basketball" associated with category "sports" from among the list of categories as shown in figures 2-4 and 6-8 - see col. 9, lines 54-65; figures 2-4 and 6-8); receiving, from a host, the TV ride lineup associated with the TV ride selection; accessing the TV ride lineup (see col. 9, line 65 to col. 10, line 15); and in response to the received TV ride selection, tuning to a first channel that provides at least a first program included in the accessed TV ride lineup (i.e., providing a selected program corresponding to a channel in the accessed subcategory in response to user's selection - see col. 14, lines 47-58).

Regarding claim 21, Rowe discloses a system for enabling user selection and perception of a television (TV) ride, the TV ride including an automated sequence of TV programming, comprising: a processor (within device 32) for presenting a list of several different TV rides (categories), each of different TV rides including a TV ride lineup (subcategory) specifying a sequence of TV programming (a list of TV programming) for automatically tuning a video display device to multiple different channels in sequence during a window of time (for instance, automatically providing multiple different programs corresponding to multiple different channels arranged in sequential fashion during a window of time, i.e., current time, in a schedule display 50 as shown in figures 2-4 and 6-8 - see col. 7, line 17 to col. 8, line 5; col. 13, lines 25-35; figures 2-4 and 6-8); an interface (within device 32) for receiving from a user to whom the list is presented a TV ride selection from among the list of TV rides presented (for instance, user selects subcategory "basketball" associated with category "sports" from among the list of categories as shown in figures 2-4 and 6-8 - see col. 9, lines 54-65; figures 2-4 and 6-8); an

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interface (within device 32) for receiving, from a host, the TV ride lineup associated with the TV ride selection; a processor (i.e., tuner within device 32) for accessing the TV ride lineup (see col. 9, line 65 to col. 10, line 15) and for tuning, in response to the received TV ride selection, to a first channel that provides at least a first program included in the accessed TV ride lineup (i.e., providing a selected program corresponding to a channel in the accessed subcategory in response to user's selection – see col. 14, lines 47-58).

Regarding claim 41, Rowe discloses a method for enabling user selection and perception of a television (TV) ride, the TV ride including an automated sequence of TV programming, comprising: receiving a TV ride selection (category) from a client system (device 32), the selection being from among the list of TV rides presented to a user (for instance, user selects subcategory "basketball" associated with category "sports" from among the list of categories as shown in figures 2-4 and 6-8 – see col. 9, lines 54-65; figures 2-4 and 6-8), each of different TV rides including a TV ride lineup (subcategory) specifying a sequence of TV programming (a list of TV programming) for automatically tuning, in response to the client system (device 32) receiving the TV ride selection from the user, a video display device to multiple different channels in sequence during a window of time (for instance, automatically providing multiple different programs corresponding to multiple different channels arranged in sequential fashion during a window of time, i.e., current time, in a schedule display 50 as shown in figures 2-4 and 6-8 - see col. 7, line 17 to col. 8, line 5; col. 13, lines 25-35; figures 2-4 and 6-8); determining a first TV ride lineup in response to the TV ride selection (for instance, headend processor 14 determines subcategory "basketball" as a first TV ride lineup in response to category "sports" selection – see figures 2-4 and 6-8; col. 10, lines 18-34), transmitting the first TV ride lineup to the client system (transmitting programming information corresponding to the selected subcategory to device 32 – see col. 9, lines 37-44; col. 9, line 66 to col. 10, line 13).

Regarding claim 59, Rowe discloses a host (headend) for enabling user selection and perception of a television (TV) ride, the TV ride including an automated sequence of TV programming, comprising: an interface (within device 14) for receiving a TV ride selection (category) from a client system (device 32), the selection being from among the list of TV rides presented to a user (for instance, user selects subcategory "basketball" associated with category "sports" from among the list of categories as shown in figures 2-4 and 6-8 – see col. 9, lines 54-65; figures 2-4 and 6-8), each of different TV rides including a TV ride lineup (subcategory) specifying a sequence of TV programming (a list of TV programming) for automatically tuning, in response to the client system (device 32) receiving the TV ride selection from the user, a video display device to multiple different channels in sequence during a window of time (for instance, automatically providing multiple different programs corresponding to multiple different channels arranged in sequential fashion during a window of time, i.e., current time, in a schedule display 50 as shown in figures 2-4 and 6-8 - see col. 7, line 17 to col. 8, line 5; col. 13, lines 25-35; figures 2-4 and 6-8); a processor (within device 14) for determining a first TV ride lineup in response to the TV ride selection (for instance, device 14 determines subcategory "basketball" as a first TV ride lineup in response to category "sports" selection – see figures 2-4 and 6-8; col. 10, lines 18-34), an interface (within device 14) for transmitting the first TV ride lineup to the client system (transmitting programming information corresponding to the selected subcategory to device 32 – see col. 9, lines 37-44; col. 9, line 66 to col. 10, line 13).

Regarding claims 2, 19, 22, and 39, Rowe discloses storing the TV ride lineup wherein accessing the TV ride lineup includes accessing the stored TV ride lineup (see step 148 in figure 10 – see figure 10; col. 18, lines 61-63).

Regarding claims 3, 4, 23, and 24, Rowe discloses accessing the TV ride lineup includes accessing data identifying TV programs included in the TV ride lineup (to provide programming

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data such as title, time, channel name as shown in figures 2-4 and 6-8 – see col. 7, lines 34-41; col. 9, lines 36-44 and 59-65).

Regarding claims 5, 25, and 26, Rowe discloses displaying the TV programming (56) and a window (92) (see figures 2-4 and 6-8).

Regarding claims 9, 30, 57, and 75, Rowe discloses receiving an indication (icon representing the logo of the corresponding channel or network) that the TV programming in the TV ride corresponds to TV programming in an alternate TV ride (different category); receiving a selection to view the alternate TV ride; and receiving, from the host, the lineup associated with the alternate TV ride (see figures 2-4 and 6-8; col. 13, lines 51-54).

Regarding claims 10, 31, and 47, Rowe discloses that the TV ride is a sponsored TV ride (i.e., “shopping” category – see figures 2-4 and 6-8);

Regarding claims 11, 32, 48, and 66, Rowe discloses that the TV ride lineup is based on a theme (i.e., “sport” category – see figures 2-4 and 6-8).

Regarding claims 12, 15, 33 and 34, Rowe discloses that the TV ride is a spawned TV ride (i.e., “special” category - see figures 2-4 and 6-8).

Regarding claims 13, 68, and 69, Rowe discloses receiving an indication of a rating of the TV programming specified by the TV ride lineup (see col. 15, lines 50-53; col. 17, lines 5-7).

Regarding claims 17, 37, and 54, Rowe discloses generating parameter data (information associated with subcategory) indicating TV ride programming associated with the received TV ride selection (the selected category), transmitting the parameter data, and receiving a TV ride lineup (subcategory) based on the generated parameter data (see col. 9, lines 34-44).

Regarding claims 20, 40, 56, and 74, Rowe discloses periodically receiving additional TV ride lineup data from a host and updating the TV ride lineup based on the additional TV ride lineup data (see col. 13, lines 24-42; col. 9, line 66 to col. 10, line 13).

Regarding claims 52 and 70, Rowe discloses determining the TV programming to which the client system is tuned at any time (see figures 2-4 and 6-8; col. 13, lines 25-46).

Regarding claims 53 and 71, Rowe discloses generating the first TV ride lineup based on the determined TV programming (see figures 2-4 and 6-8; col. 13, lines 25-46).

Regarding claims 58 and 76, Rowe discloses receiving a selection (i.e., via remote control unit 40) to join the alternate TV ride (to select the new category) and transmitting a second TV ride lineup corresponding to the alternate TV ride (providing subcategory corresponding to the new category – col. 6, lines 60-67; col. 7, lines 1-16).

Regarding claims 77-80, Rowe discloses that the list of TV rides (categories) presented includes at least one TV ride created by an entity other than the user (i.e., operator at headend) to whom the list is presented (see col. 5, lines 26-67).

Regarding claims 81 and 83, Rowe discloses tuning to a second channel that provides at least a second program included in the accessed TV ride lineup in response to completion of the first program (for instance, after viewing the first program completely, the user selects a second program associated with a second channel for viewing the second program associated with the second channel included in the accessed subcategory – see figures 2-4 and 6-8).

Regarding claim 82, 86, and 87, Rowe discloses that the system comprises a set top box (32 – see figure 1).

Regarding claim 84, Rowe discloses a memory (within device 32) for storing TV programming specified by the accessed TV ride lineup (see col. 18, lines 56-63; figure 1).

Claim Rejections - 35 USC § 103

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8, 14-16, 29, 34-36, 49, 54, 67, 72, and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe et al. (U.S. 5,812,123).

Regarding claims 8 and 29, Rowe shows window (90 or 92) for displaying video and/or information in the schedule display 50. Rowe does not explicitly disclose displaying an advertisement. Official Notice is taken that displaying advertisement in a window in a program guide is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of the system of Rowe by displaying advertisement in a window in order to effectively advertise a product/service to viewer.

Regarding claims 14, 16, 35, 36, 54, 67, and 72, Rowe discloses generating parameter data (information associated with subcategory) indicating TV ride programming associated with the received TV ride selection (the selected category), transmitting the parameter data, and receiving a TV ride lineup (subcategory) based on the generated parameter data (see col. 9, lines 34-44). Rowe does not explicitly teach receiving TV lineup based on viewer poll data or viewer feedback, and the TV ride is a viewer-created TV ride. Official Notice is taken that providing programming to user based on user profile and/or user feedback is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Rowe by providing programming to user based on user profile or user feedback in order to effectively suggest programs that user are most likely to watch.

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Regarding claim 85, it is noted that the set top converter 32 of Rowe comprises a memory or storage. Rowe does not explicitly disclose that the memory comprises a hard drive. Official Notice is taken that memory or storage in set top terminal such as hard drive is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Rowe by including a hard drive in the memory in order to effectively increase the storage capacity.

7. Claims 6,7, 27, 28, 42-46, 50, 51, and 60-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe et al. (U.S. 5,812,123) in view of Blacketter (U.S. 20050166248).

Regarding claims 6, 7, 27, 28, 42-46, 60, 61, and 64, Rowe does not displaying an interactive opportunity in the window, a viewer poll in the window, a link to web content, and a link to a chat room. However, Blacketter teaches that interactive window allows the viewer to interact with television broadcast source. This interaction includes link to web page, answering a question or a poll, requesting information about a program or advertiser, or purchasing a product or service, chat with other sport fans or other viewers that share common interest. In figure 6, the viewer is asked to select their favorite vacation destination. (See 0034, 0004, 0035). Therefore, it would have been obvious to one of ordinary skill in the art to modify the system of Rowe by providing interaction features included link to web page, answering a question or a poll, requesting information about a program or advertiser, or purchasing a product or service, chat with other sport fans or other viewers that share common interest as taught by Blacketter in order to effectively enhance the interactive television services.

Regarding claim 63, Rowe does not explicitly disclose displaying an advertisement. Official Notice is taken that displaying advertisement in a window in a program guide is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the

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time the invention was made to modify the system of the system of Rowe by displaying advertisement in a window in order to effectively advertise a product/service to viewer.

Regarding claim 65, Rowe discloses determining the first TV ride lineup based on TV programming selected by a sponsor (see col. 5, lines 26-67).

8. Claims 18, 38, 55, and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe et al. (U.S. 5,812,123) in view of Maehiro (U.S. 6,880,168).

Regarding claim 18, 38, 55, and 73, Rowe does not explicitly teach a viewer-created TV ride. Official Notice is taken that distributing customized programming to user is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Rowe by distributing the customized programming to user in order to allow viewer to easily search for a desirable program from the customized programming. Rowe does not explicitly teach generating data indicating an invitation to join the TV ride. However, Maehiro teaches creating an invitation message prompting particular users to join the chat and transmitting the invitation message to the particular users (see abstract and col. 5, lines 39-42). Therefore, it would have been obvious to one of ordinary skill in the art to modify the system of Rowe by creating an invitation message prompting particular users to join the chat and transmitting the invitation message to the particular users as taught by Maehiro in order to allow the user to open and join a chat with friends.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



NGOC K. VU
PRIMARY EXAMINER
Art Unit 2623

December 11, 2006